IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CRIMINAL APPELLATE JURISDICTION

CRIMINAL WRIT PETITION NO.646 OF 2006

Motiram Gangadhar Mokal
and 4 Ors. ...Petitioners.

Versus

Shri.Madhukar Pandurang
Patil (Ghorpade) & Anr. ...Respondents.

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Miss.P.P.Tendulkar, Advocate for the Petitioners.

Mr.S.A.Pawar, Advocate for Respondent No.1.

Mrs.M.M.Deshmukh, APP, for Respondent No.2-State.

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CORAM : SMT.V.K.TAHILRAMANI,J.

DATED : OCTOBER 13, 2006.
(IN CHAMBER AT 2:35 P.M.)

P.C.:

1. Heard Miss.Tendulkar, the learned counsel for the petitioners-original accused Nos.1 to 4, Mr.Pawar, the learned counsel for Respondent No.1-original complainant and Mrs.Deshmukh, the learned APP for the State.

2. The petitioners are seeking quashing of Criminal Case No.1790 of 2005 pending on the file of the Judicial Magistrate, First Class,

Ulhasnagar. In the said case process has been issued against the petitioners interalia under Sections 323, 504, 506 of Indian Penal Code.

3. Miss.Tendulkar the learned counsel for the petitioners seeks permission to withdraw the petition with liberty to file revision before the Sessions Court, in view of the decision of this Court in the case of **V.K.Jain and others Vs. Pratap V. Padode, reported in 2005(3) Mh.L.J.778**.

4. In view of this, the petition is allowed to be withdrawn with liberty to file revision before the concerned Sessions Court. The said revision to be filed within five weeks from today. The stay granted by this Court to the proceedings in Criminal Case No.1790 of 2005, stands extended for a period of five weeks from today.

5. Mr.Pawar, the learned Counsel for Respondent No.1-original complainant, on instructions from Respondent No.1 who is present, fairly states that no objection would be raised in respect of delay in filing revision before the concerned Sessions Court if the revision is filed

within the above mentioned period. In case, the revision is preferred within a period of five weeks from today, the learned Sessions Judge shall dispose of the matter on merits after hearing the necessary parties. All contentions of both sides on merits are kept open.

6. Criminal Writ Petition is disposed of.

(SMT.V.K.TAHILRAMANI,J.)